

ET-2/RP-94-466 ORDER GRANTING TIME EXTENSION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Tom Burton
Marshall Johnson
Cynthia A. Kitlinski
Dee Knaak

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of an Integrated Resource Plan
for Cooperative Power Association

ISSUE DATE: September 12, 1994

DOCKET NO. ET-2/RP-94-466

ORDER GRANTING TIME EXTENSION

PROCEDURAL HISTORY

On July 1, 1994, Cooperative Power Association (the Association) filed its first Integrated Resource Plan (IRP) with the Commission.

On July 28, 1994, the Department of Public Service (the Department) filed a letter stating that the Association had inadvertently omitted a portion of the required IRP filing. Because the Association had made a diligent effort to submit a complete filing, the Department recommended that the Association be allowed to file the additional information by August 22, 1994.

The Department also requested a time extension for the filing of initial and reply comments. Under Minn. Rules, Part 7843.0300, initial comments regarding an IRP are due November 1 and reply comments are due December 31 of the filing year. If the Department's request were granted, the Department's comments would be due December 1, 1994, and reply comments would be due February 1, 1995.

On August 23, 1994, the Association filed the missing IRP information.

The Department's recommendations regarding filing deadlines came before the Commission on September 1, 1994.

FINDINGS AND CONCLUSIONS

The Commission agrees with the Department that the Association's failure to timely file a portion of the IRP filing was inadvertent. The Association has now submitted the necessary advance forecast information. The Commission will therefore accept the Association's August 23, 1994 filing and consider the Association's IRP filing complete.

The Commission will also allow the Department the time extensions it requested. Granting the time extensions requires a variance to the Commission rule governing IRP filing requirements, Minn. Rules, Part 7843.0300.

Under Minn. Rules, Part 7829.3200, the Commission shall grant a variance to its rules when the following requirements are met:

1. Enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
2. Granting the variance would not adversely affect the public interest; and

3. Granting the variance would not conflict with standards imposed by law.

Enforcement of Minn. Rules, Part 7843.0300 would impose an excessive burden upon the Department or any other party wishing to comment on the Association's IRP filing. Enforcing the rule's November 1 deadline for comments or December 31 deadline for replies would not allow the parties sufficient opportunity to consider the Association's late-filed advance forecast information.

Granting the variance will not adversely affect the public interest. Allowing parties enough time to submit meaningful comments is in the public interest.

Granting the variance will not conflict with standards imposed by law.

For these reasons, the Commission finds that the requirements for a variance have been met and that the Department's request for a variance to the rule governing IRP filing requirements, Minn. Rules, Part 7843.0300, should be granted. The Commission will grant the Department's request for time extensions.

ORDER

1. The Commission grants the Department a variance to Minn. Rules, Part 7843.0300, to allow the Department or any other party to submit comments regarding the Cooperative Power Association's IRP on or before December 1, 1994. Reply comments may be filed on or before February 1, 1995.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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